

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID MOWETT,

Plaintiff,

Case No. 15-12612

Honorable Denise Page Hood

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION TO FILE SUPPLEMENTAL
BRIEF OR IN THE ALTERNATIVE RULE 59(e) TO ALTER
OR AMEND JUDGMENT**

This matter is before the Court on Plaintiff David Mowett's Motion to File a Supplemental Brief or in the Alternative to Alter/Amend Judgment filed September 22, 2016. On March 31, 2016, the Court entered a Judgment and Order dismissing Plaintiff's Complaint. (Doc. Nos. 30, 31) Both parties filed Motions for Reconsideration on April 14, 2016. (Doc. Nos. 33, 34) On August 25, 2016, the Court entered an Order granting Defendant's Motion for Reconsideration that the case be dismissed "with prejudice" and denied Plaintiff's Motion for Reconsideration finding no merit to his arguments. (Doc. No. 37)

An amendment of an order after a judgment has been entered is governed by Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) provides that any

motion to alter or amend a judgment shall be filed no later than 28 days after entry of the judgment. Fed. R. Civ. P. 59(e). Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening change in controlling law or to prevent manifest injustice. *GenCorp., Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration must be filed within 14 days after entry of the judgment or order. E.D. Mich. LR 7.1(h)(1). No response to the motion and no oral argument thereon shall be allowed unless the Court orders otherwise. E.D. Mich. LR 7.1(h)(2).

Plaintiff's current motion is untimely filed under Rule 59(e) since the Judgment and Order dismissing the Complaint was entered on March 31, 2016 and the instant motion was filed on September 22, 2016, beyond the 28 days required by Rule 59(e). The current motion is also untimely filed under Local Rule 7.1(h)(1) since the latest order denying Plaintiff's Motion for Reconsideration was filed on August 25, 2016 and the instant motion was filed on September 22, 2016, beyond the 14 days required under Local Rule 7.1(h)(1). In any event, Plaintiff has not shown that this Court has the authority to reconsider an order more than once. The Court has already entered an Order denying Plaintiff's previous Motion for Reconsideration. The Court has no authority to consider Plaintiff's current motion seeking review of the Court's previous

orders.

In addition, the Court finds that Plaintiff's motion merely presents the same issues ruled upon by the Court, either expressly or by reasonable implication. Plaintiff has failed to demonstrate a palpable defect by which the Court and the parties and other persons entitled to be heard on the motion have been misled. Plaintiff has not shown the Court clearly erred in ruling that Plaintiff's Complaint should be dismissed.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to File Supplemental Brief or in the Alternative Rule 59(e) Motion to Alter or Amend Judgment (**Doc. No. 38**) is DENIED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: October 19, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 19, 2016, by electronic and/or ordinary mail.

S/Shawna C. Burns

Case Manager Generalist